

# Gladius Iustitiæ: N<sup>o</sup> 18

## A SERMON

Preached at the ASSIZES held at  
LINCOLN.

March 9. 1667 $\frac{7}{8}$

WILLIAM WELBY, Esq;  
Being Sheriff of the County.

---

By G. H. M. A. H. 1668

---

*Magnificentius est dicere, quemadmodum  
gesserimus consulatum quàm quemad-  
modum ceperimus. Tully.*

---

L O N D O N,  
Printed by William Godbid, for Nathaniel Brook at the  
Angel in Gresham Colledge, 1668.

18

Alfred [illegible]

M. [illegible]  
[illegible]

[illegible]

[illegible]



[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



*To His Most Honoured Friend*

William Welby

ESQUIRE.

SIR,



FOR this small Piece to  
crave your countenance,  
or the making Apolo-  
gies on its behalf (which  
calls indeed for the *Posse*  
*Comitatus*, the whole extent of your  
Office, to defend its weakness against  
the attempt of Tongues, which are ex-  
pected

*The Epistle Dedicatory.*

pected fiercely to charge it with conceit and confidence,) is unfaithfully to betray you into the same censure and imputation. Give me only leave to summon You an impartial Witness, not suborn'd by affection, to attest this Truth; That it was not an itch of Juvenile years, desirous to be scracht by Popularity; or only an earnest importunity of Friends, the customary pretence of Scriblers: but direct Commands and friendly threats of the Grand Inquest, (whose Persons and Judgements save in this, may justly challenge a large esteem and value,) forc'd and extorted a Promise of committing this to publick View. So that I disown to be styl'd the Parent of this hasty birth, let it call Twelve its Father, and be laid at their Door. I can now triumph  
in



*The Epistle Dedicatory.*

in an innocent revenge; when I can justly indite and call every one of them a *felo de se*, for offering violence to his own Judgement, and committing a Rape and Deflowring that modesty which I account the inviolable duty of my low conceptions, and well becomes the clearest intellectuals and best accomplishments, which like the greatest beauty should wear a Vail; for expos'd to Sun and Air to publick appearances to be read by all; they soil their Features and Complexion, and gain the name of confident. To escape so black a brand, let me rather confute my Doctrine, perswade You to be a partial Judge, let Your Affections bribe Your Reason; or let Me beg the favour of Your Place and Charge, reprieve Me being found Guilty and Condemn'd,  
and

*The Epistle Dedicatory.*

and account this pure Obedience to  
their Commands, and a faint return  
to Your high Civilities and Engage-  
ments laid upon

Sir,

*Your most humble and  
obliged Servant,*

March 9th.  
1667.

**GREGORY HASKARD.**



*Romans 13:4.*

— οὐ γὰρ ἐστὶν τὸ μαχέσθαι φερεῖν. —

— *For he beareth not the Sword in vain.*

**S**OME Proselytes betimes had sucked in this rotten Principle, that Christian Religion did discharge all its Professors from obedience unto Secular Powers, because it did entitle them to Diadems above, and styl'd them Co-Heirs with the King of Glory, and endowed them with other fair Prerogatives and Royalties Divine, they stretch these beyond the bounds of a Spiritual design, to reach at a Temporal Interest; which was to enlarge their Secular liberties to throw open all inclosures, to level Dignities and Honours, to pluck up the pale of Humane Laws, and tumble down all Supremes, and Saint and Subject no more than King and Rebel could agree. The Apostle to dislodge and prevent this pestilential opinion, so great a rub to the spreading of Christianity in the Pagan World, as though Kings must then throw off their Purples, when their People put on Christs white Robe; or cease to

Gal. 3. 28.

1Pet. 2. 19.

1Pet. 2. 16

1Sam. 26.

9.

1 King. 10.  
20.

Dan. 3. 9.

be God's annointed with his holy Oyl, when their Subjects foreheads are once sprinkled with Baptismal water, to purge so foul a stain as this from so pure and innocent a Religion, and to set the Lawrels of Kings faster upon their brows, to their External power he adjoyns a Divine Commission, their Authority is as bright as their Diadems, their Jewels belong to the new *Jerusalem*, and sent by the King above to be Enamel'd in them; their Thrones more than *Solomon's* are supported with the Lion of the Tribe of *Judah*, not only to intreat, but command obedience from the most refined Christians. So that this new Proselyte mistook his Liberty, and his Religion too, in thinking he ceas't to be a Subject, a Man reduc't into order when he became a Christian; or to pay Tribute here below to Princes, and Devotion to the King above, could not stand together. He therefore gives him this wholsom caution, that if he fall under the lash and stroaks of Civil Government and Justice, he must not murmur at, and revile, bespatter and blaspheme the arm of him that strikes; but kiss the rod, and pray for the hand of him that holds it, *O King live for ever*, be patient and submissive to His Authority which came from the broad Seal above, and enstamp with an Image Divine, the Author of His Dignity and Power, as well as of your Religion; For He is the Minister of God, *and beareth not the sword in vain*.

In which words are included these Two parts. (1.) A Character Royal, a Power derived from God, and delegated unto Judges, or the Authority of Magistrates (whereof the Sword is an Ensign) by Letters Patents from the Court above, and sent down to lower Judicatures.

Secondly,

Secondly, The design and end by a negative, *Non temere*, the Secular arm must not wield it furiously and rashly, or use it indiscriminately like the arrows of Death and Famines, making no difference; but must point it at the bad and nocent, and protect the good and innocent.

First, The Original and Family of the Magistrates power. God to tell the World it was not Pride and Ambition, Tyranny, and private Interest that first erected Politics, and founded the different sort of Government, hath signed their Commission from above, sent them down instruments of Authority, to back and countenance their just procedures and execution of Laws, that the Rebel World might not degrade and vilifie their Persons, styling them poor Mortals, Sons of Earth, cast in the same mould with all Mankind; He hath advanced them to be his Deputies and Vicars, and now they sound infinite and immense in their Authority all Divine descending from above, and the Rebellion rebounds from Earth, and toucheth the Throne of Heaven. 'Tis more than Poetry what *Phœbus* told his rash Son, begging the rule of his Father's Chariot, *Non est* Ovid. Metamor. *mortale quod optas*; their shoulders had need be more than mortal, who can *canvass* for rule of an Immortal concern. Hence refusal of Supremes, and disobedience to their Edicts and Commands, like persecution of Saints Sam. 3. 7. and Favorites of Heaven, reflects upon the person of God himself. For they have not rejected thee but they Exod. 16. 3 have rejected Me; all Government in this sense as well as the *Jewish* might be called a Theocracy. The commands and precepts of Kings have a deeper power than only upon the Externals of Men, they reach farther, Saunders. de obli. and Consci.

and tie his Conscience too by this general and derivative power from God, who only hath *merum & directum imperium in conscientias*, an independent unlimited rule. The criminal and disobedient upon this score mistake themselves, because their bodies have suffered the penalty and mulcts of Laws, to call their Souls innocent and set them clear, their Consciences still stand arraigned at an higher Bar; only Faith and Repentance must discharge that guilt. Hence things of a middle and indifferent nature, the *Amphibious* in Morals by the commands of Princes, become the matter of necessary obedience; and things intrinsically and materially good, seconded with the injunctions of Magistrates, lay double chains, and tie the Conscience faster; and disobedience and Rebellion against the smallest Law, is grim'd with the name of Witchcraft, and Apostacy from God, or his Deputy which sounds the same. To silence factious and turbulent Spirits, and still the complaints and brawls of unreasonable Men, before the Judge inflict his punishments, or distribute rewards, let him read his Commission, every Magistrate ('tis no invading of Royalty to say) is by the Grace of God, his Power is given him from above.

1 Sam. 13.  
23.

Selden. Tit.  
Honour.

Secondly, Its design and end. All Ensigns and badges of Honour were contrived to represent and re-mind their duty, like Coats of Arms the office and virtue of the bearer; among which the Sword signifies an impartial Justice and execution of Laws. For Edicts and Commands sound but Rhetorick and Oratory, or Formalities of State, painted Weapons, or dead Mens breath, and cast contempt, light and low thoughts upon the Enacting power, if their penaltyes and mulcts annex, retch

not

not the bold transgressor and disobedient; or by wit and interest, connivance or relation, can be evaded or compounded at a cheap and inconsiderable rate. Laws of old were therefore written in Stone and Brass, that their executioners might not be of a soft and loose affection, and with *Cinnabaris* or *Rubric*, *ut immorigeris sanguinem quid minitarent*, threatening the blood of him that durst commit a Rape upon them, and painted out a Spirit bold and unconcerned what the result and conclusion might be of an Office faithfully discharged. The definition of a Law by the *Pagan* Orator takes in its Family and design too, *Lex est nil aliud nisi recta & à numine Deorum tractata ratio, imperans honesta, prohibens contraria*. Right reason handed down from God to his Officers here below to smile upon virtuous and ingenuous, to check and restrain sordid and exorbitant actions. He that prodigally bestows his pardons and reprieves to Criminals and Malefactors to gain the title of mild and merciful, purchaseth at the same time the name of timorous and careless, tame and remiss; his pity becomes a cruelty; while severity to reform, is Mercy only in a sanguine dress. 'Tis the method of Divine Providence to display the lightning of his Love and Charity, the groans of his Spirit, promises, and rewards, and other endearments and invitations unto repentance, before he discharge the Thunder of his Justice, despair and affrightments, to rend and tear the cauteriz'd Conscience, and impenitent Soul. Since the World is grown so confident and presumptuous, and lull'd asleep not to be wak't, or drawn by Love or Mercy the bands of a Man unto obedience, He hath armed his Justice with Swords and Arrows, to drive and terrify into a sober life; and  
hath

*Lucret. in  
Juvenal &  
Persius.*

*Cicero.*



hath left a model for the Magistrates rule, where equity of the Law, dictates of Reason and Conscience, with the cries of Religion will not reclaim, frowns and angry brows and hands arm'd with the Sword of Justice, must force, at least discourage habitual offenders; *For he carries not, &c.*

The Text thus divided, will return into its self, and frame this Proposition. *That the solemn design of all sorts of Magistracy is to protect the good and innocent, and inflict just and due punishments upon all offenders.* As none of the designs and commands of Heaven, as the not eating of an Apple, thoughts and glances, without a blasphemy, can be thought indifferent and low, much less his inauguration of Kings and Magistrates, his Deputies and Vicegerents, by which he rules this lower World. Dispensation of Law and Justice was contrived, not like the badges and glittering marks of Honour to distinguish degrees and subordinate files of Men, to make the vulgar World only to gaze and pay reverence to their purples: but to fulfil that solemn design and end which Heaven its self with all its Rhetorick, Holy policies, Divine and Moral arguments, would joyfully perswade; which is the curbing of all Irregularity, to civilize the barbarous World, to disgarrison Vice and Injustice, Fraud and Oppression, to make the World purely Christian; when the Lion and the Lamb, the Vulture and the Dove, the weaker and the stronger Christian, should live, love, and lie down together. So that that which is the Ruler's Charge, is the care of Heaven, and the Ministry of Angels, they being styl'd *ἀγγέλους*, and are dispatcht into this lower World upon the messages of the upper one, to infuse Holy thoughts, and Divine tempers,

Isai. 11. 16

Heb. 1. 14



temper, which carry on the Ruler's Office to advance Virtue and Religion, and reclaim the degenerate world. His thoughts are therefore too coarse and vulgar which styles them purely Humane, when Heaven hath cloath'd them in Divinity; and gives too favourable a punishment to disobedience, which charges it only with a Temporal mulct, when my Apostle passeth an eternal doom upon it. When therefore you are instal'd God's Vice-roys, the Champions of Religion, the Patrons of Virtue, the expectation and hopes of all good Men, the Terror of the bad, the *δυναμις ἐν σοφίᾳ* the walking Law; think not so low and humbly, the Administration of Justice to be a thing only Gentile and Titular, of a Secular Interest and convenience, and looks below; entertain more serious and noble conceptions, and look upon your Dignity of an higher design, an Immortal concern, the state beyond the Grave, into which all the smaller and the larger lines of this life and its actions, must all at last resolve and centre themselves. To fix this burthen and care faster upon your shoulders, consider and weigh these ensuing obligations.

First, The necessity of Humane Nature. Since Man lapst into this degenerate condition, and Sin became his Master, his Nature now is no more led by Love and Ingenuity, but by the severities of Justice lasht into a sober and converse life. For the passions and rage of the general part of Mankind will no more be boyled over, and cool'd by rational arguments and out of principles of Virtue, than the lowd and surly storm can be allayed and seren'd by strains of Rhetorick or gentile deportment. So that Humane Nature being so fester'd and gangren'd, grown so rough and sturdy, it calls for cuttings and lancements, more than lenitives and remulcients,

Laws

Laws and penalties from the sharpest Sword of Justice. So that paint but the World as once it lay in its primitive Chaos and confusion, *Frigida cum calidis*, &c. Draw the dismal consequences of Civil Warrs, Inroads of Enemies and depopulations, secret Murders, and open Invasions, with all the numerous spawn of mischiefs, you will then discern what a deformed monster this World would turn, if instead of wholsom Laws, and an exact distribution of Justice, with a free, a cheerful obedience, the harmony of the moral World, only the harsh notes of tyranny and oppression, frauds and violence, should grate upon your ears; the tears of Widows, and the cries of Orphans; the deaths of Innocents, and blood of all good Men; no sitting under our Vines to crop their fruit, though watred with the sweat of our own brows, or calling for Land-marks of propriety, when life it self would not be our own, but Tenant at Will to anothers passion & revenge; the strongest arm would be the greatest right; the weakest Christian the greatest criminal; subtilty would be Justice; and want of power with the groans of the poor, the only crying vice. Reason and Religion, candour and ingenuity, with all the lovely principles of humane nature, would lie a bleeding, and a *fiat justitia modò ruat Cælum* might rather have this sense, Heaven would totter if Justice were not done. For these and many more, like the opening of *Pandora's* box would swarm together, if once the streams of Justice be obstructed, penalties remissly insisted upon disobedience, and the Pale of Civil Government pluckt up by the brawny hands of violence. So that a faithful dispenser of Justice is a benefactor to all Mankind, repairing its ruines, the only *Atlas* of the moral

moral World, which otherwise would rush into Confusion. The Sword of Justice therefore like the Angel's flaming one, must still guard Paradise, Religion, and Equity, lest it become a Wilderness of *sin*. The eyes and hopes therefore of all innocent Souls, the cries of all good Men, and of our common Parent too for your Protection against these black and dismal ills, which are so closely linkt and twisted with the corrupt and ruinous nature of Mankind, make your Justice of an indispensable convenience and absolute necessity.

Secondly, Consider who you represent. Your Authority and Power like *Janus*, carry a double face; they look upward towards God, who hath chosen you his Deputies and Exarchs in ruling the Provinces of this lower world: and just Sentences and Dooms he appropriates, and calls them his own, The Judgement is Gods. And it looks below to the People your fellow Beings, whose Trustees and Representatives you are, to distribute the equal shares of Justice. The one in your Commission sets you above the level of Mankind; for what the ambitious *Pagans* would have enamel'd in their Crowns, as *Domitian* call'd himself, *Dominus Deus noster*, and *Rome* Christian, still courts the title of *Rome Pagan*, as though entail'd upon her, *Sesostris* wrote himself *Βασιλεὺς Βασιλέων* Selden. Tit. Honour. Revel. 17. 14. *Κυβερνήτης Αιγύπτου*, Corrival with the King of Heavens title, *King of Kings*, and *Lord of Lords*, with what the *Peruvian* Kings of late, or the *Persian* and *Mahometan* Emperours now do swell, is enjoyed in a sober and modest sense by the Administrators of Justice, when God Christens them with his own name, *I say ye are Gods*. *Divisum imperium cum Jove Cæsar habet*, Psalm. 82. 5. Their Commission being higher than their Crowns, of an immortal race.

The other Styles you Guardians, and Feoffees in trust, of the Peoples Proprieties and Possessions. A Judge no longer remains a single and individual Person, but sounds a Multitude, a Legion, a Leviathan of Men, a Monopoly of Rights and Priviledges, the Beast with many Heads ; Beast in Prophetick Schemes and Types signifying Government, or Politics. So that the remiss Magistrate that falls in love with Beauty and Varnish of his Office like the giddy *Phaeton*, *currus miratur habenas*, and neglects a strict and wise discharge, doth not only bespot his own Purples, but shakes the Throne of Heaven too, from whence his Commission came. If the Judge that is invested with the Peoples Rights, misemploy or wrest their Trust from its first intention of preserving them from the greedy jaws of Rapine and Violence, and abuse them to crooked designs and private Interests, he acts in part what *Caligula* wisht, *that all the World had but one neck, and he its Executioner* ; He murders the People with their own Right committed to him. Private persons like smaller Stars may be obscur'd, and no damage to the lower World ; but Publick like Sun or Moon when once Eclipt, Heaven and Earth seem to mourn in blackness, with a train of aggravating circumstances. Hence then to make your Office answer its Pedigree and Original which is Divine, Gods Commissioners, and the Peoples Trust, impartially and devoid of Fear, inflict due punishments upon Offenders, *and use not the Sword in vain.*

Revel. 13.

Ovid.

Thirdly, Let the Magistrate consider the grand account at an higher Bar. God to over-aw the actions of Mankind, and strike a Reverence into mortals breasts, hath plac'd himself a spectator and Judge at lower Bars, good

good and bad Angels more then *Mahomet's* upon the two shoulders of every Disciple, to record your Sentences, and the Mind and Conscience of all good Men, the grand Inquest at the last Tribunal, where all Causes must be tryed ore and pleaded once again, the Court of Equity the last appeal ; where all unjust damages, too rigid penalties, passionate Dooms and Sentences, and decisions of design, will wheel about, and return upon the Judges score. The cries of the weak and destitute, whose poverty here below was their only crime, and the blood of Martyr'd Innocents reeks up to Heaven, and returns in a shower of Vengeance or the Thunder of Conscience upon the drowzy Magistrate, who like *Gallio* was a spectator of Riots and Injustice, yet cared for none of those. The Judge therefore, that only admires the splendor of his Office, and courts the Pomp and Retinue of his Charge, the noise of his Duty, without regard to the Lines of Justice, Laws of Equity, and proportions of Reason, dies like *Cleopatra*, in beds of Roses, the sweetness and pleasure of his Office to delight his Senses, yet forgets the Asp upon her breast the sting of Conscience there. Every Man hath numerous swarms of his own Sins, and may read large Catalogues of his private Crimes, enough to put his Soul in a sweat and agony ; but Men of publick capacities, to have the Sins of Cities and Villages, Nobles and Plebeians, all where he reformed not nor distributed right, charg'd upon their account, stands in need of the back of Angels, the brawny Consciences of Fiends, the Lethargy and stupidity of the desperate to bear so great a load. Sins and Crimes of People and Magistrates are correlatives as well as they, and have been mutually charged upon

A. 218. 17

another ; and as there is in the body Natural, so in the Politick too a Circulation of bloud, and return of ill humours to infest the head ; the transgression of a People being scor'd upon the Supreme, whose timidity and slackness in Reformation, hath given birth and countenance to many a Vice. He being called the *Pater Patrie*, hath entail'd his vices with their subsequent Penalties and Judgements, as well as his Crown and Dignities upon the People, or his Heir apparent. Divine anger and revenge, as well as Sins and Diseases of  
 Ezek. 13. 18. impenitent Mortals run in the blood. If the Magistrate therefore will be tender of Sin below, if he dread the Crimes of others more than their Ghosts to haunt them in this lower World, if he fear to be degraded, and become a Malefactor at an higher Bar, if he expect the charge of his Five Cities to multiply into a larger power, let him draw the Sword of Justice resolutely, and sheath it in the bowels of Sin.

Fourthly, Let him consider the great discouragement he gives to Virtue. The Magistrate whose Office calls him the Scourge of Vice, the terrour and affrightment of all exorbitant actions, the Champion of Religion, and Patron of all good Men ; if he begin to dye Scarlet Sins of a faint complexion, and style them Peccadillo's ; if fearful to strike, because the offence came from greatness, or *grandeur* ; or acquits a Criminal without his just and deserved penalty, he turns the Protector of Vice, the oblique Persecutor of all virtuous and brave actions, the Caterpillar of the Rose of *Sharon*, the only bane of Religion. For while Men live in this vale of tears, and begin with this mass of flesh ; and humour and passion are become half, if not the larger, part of the Man,  
 they



they sooner become Profelytes to Virtue from Rewards and Punishments, then from Internal Principles, or a rational love : the Vail and Shrine recommends *Diana*, while her beauty is invisible. So that in not inflicting due Punishments upon Offenders, Virtue feels the smart which they deserve, and is robb'd of one of her methods to gain Professors, while Vice's Torment becomes Virtue's Triumph, and commands our Love and Admiration. And therefore *Cyrus* said well, *ὅτι ἀγαθὸν τὸ κακὸς* Xenophon

*ἰσχύει ἀγαθὸν εἶναι, καθὼς ἐνδοξασθαι πρὸς τὸ ἀγαθὸν ἀντίκειται.* When good Men who do not always see by the light of Grace and Reason, but through the Spectacles of Sense and Fancy, see Vice discountenanc'd and frown'd upon, their appetites are whetted, and carry a keener edge, to prosecute Virtue and Religion still, and advance its practice. Though he that takes his Religion only upon the score of privileges and immunities, rewards and praises that attend it, and no more, is but a Sales-man in Religion, and a Mercenary in Devotion ; or he that lives a virtuous life for fear of whips and lashes, the strokes of Justice and severity, that ought to be the companion of his Vice, may be call'd God's slave, and not his servant ; his vassal, not his Son, the title of the pious.

Yet these may be good motives and arguments at first, but not the Principle and *Basis* to bottom our Religion on. So that a remiss and timorous Magistrate in deducting the due penalties from Vice, stifles Religion in the Cradle, hinders that which might have been the first step to a regenerate life ; many have been scar'd and terrified into a Divine conversation, by the strange dooms, and unexpected dismal providences, more than the dreams of Hell, that have seiz'd upon unrepenting Sinners.

‘Sinners. Virtue therefore throws her self at your feet, Religion is your Suppliant, and all good Men cry for just and impartial punishments upon Sin and Vice. ‘Twill augment the Seminaries of Virtue; ‘Twill weed out Vice, and lop off all luxuriant actions ; ‘Twill gloss upon your Honour, and make your Sword shine the brighter.

Fifthly, Consider what ill example it will prove unto the World of returning acts of injustice upon them that are unjust in their discharge. For the World that loves revenge and retaliation of wrongs, will catch at all opportunities of reflecting back the same, or greater injuries upon him which hath been unjust before. When therefore Rule degenerates into Tyranny, Righteousness into Hemlock, and Bribery, (or by a softer name presenting) corrupts the streams of Justice, when right is measured by proportion to their own Interest, and others behaviour and carriage towards them, The Crowns of Kings begin to totter, their Scepters shake like *Egyptian* Reeds, and all sorts of Magistracy depend at will and uncertainty, the Subject lying in wait to throw off the yoke of oppression, and dethrone their Government ; Anarchy with freedom, then Government with Injustice being more grateful to the Multitude, the rabble which naturally sounds confusion. For though Christianity, the Spirit of Christ did never  
Amos 6.12 (like his Antitype *Moses*,) turn the Rivers into streams of blood, or call down Fire or Legions of the Spirits above, to defeat his enemies; but commands us patience and a generous temper with submission to unjust exactors : yet there is a passionate rage and fury in the breasts of the unregenerate World, which being the larger number, will soon pluck down a continual & habitual  
 Injustice.

Luke 9.54



Injustice. But if experience of all Kingdoms, and sayings of all politick heads, will not evince this truth, yet believe the wise King in his *Proverbs*. The Throne is established by righteousness, and the dignity of all inferior Magistrates coucht under that more general and splendid title. An uneven Justice like nourishment to the body; distributed in unequal shares, makes some limbs Gigantick, and others Dwarfish, and the whole body politick monstrous and prodigious, and becomes the sooner ruin'd, being over weak to bear so great a load, like *Goliath's* shoulders upon an Infants legs. This unequal dealing of Justice, and executions of Laws, hath call'd in question the institution of Magistracy, questioning its Family, tearing its Commission from above, styling it only *artificial* a creature of Man's formation, a mutable convenience and temporary interest, and a sutable obedience is paid to its commands; not out of Conscience and Religion, but fear and usefulness: and as these do change, so will their eye-service too into Rebellion. 'Tis shame we should give still life to that aged Proverb which is the death and bane of wholsom Laws, which makes them cobweb-Lawn, to catch and trapan the little animal, but larger ones are above their force; as though weakness was the only guilt, and strength was innocency. This hath made the World believe, that Laws and Equity, Justice and Right, are nothing else but strength and Force, Might and Power; and think the same of them, that looser gallants of Virtue and Religion, only the fancy of some brain-sick Student, the contrivance of a Conclave or Council-board, to reduce Fools and Madmen, and credulous Subjects into aw. As though a tame Seal with an imaginary face of Eagles, or Lyons Rampant

16. 12.

1 Peter 2

13.

Ephes. 6. 6.

Rampant, the scar-crows of Babes upon a piece of harmless wax affix to Parchment, the Coat only of some innocent Sheep, should drive away and terrify their rank and rapacious appetites. This made the Leviathan say that the state of Nature was a state of War, who feasts and preys upon the smaller fry; Right and Possessions were only resignations enforc'd by Might and Power; and the Man best arm'd, a *Cap a pe* justitiary, like the Scales of a Leviathan, was cloath'd with the greatest Justice. Hence Beasts are well assigned the Types and Hieroglyphicks of Rule and Civil Politics; where the fiercest look, the longest paw, and sharpest tooth shall call them Princes: the Lyon is call'd King of Beasts from these. If therefore you would put a hook into the nostril of this Leviathan, if you would underprop the Thrones of Kings, and fix their Crowns faster on their Heads, if you expect as 'tis due, Reverence and Honour to be paid unto your Purples, if you would perswade the World 'tis Reason and Religion, Conscience and Divinity commands, not Strength and force, a *Fascis* or *Securis*, Swords and Rods, that Enact Laws, distribute evenly and impartially Justice and Equity unto all.

This Proposition being so enforc'd, may be applied to two sorts, which carry the great concern in Judicatures.

First, To those who are only to prepare Causes, Complaints and Defenses, to ripen and mature for the Laws definitive Sentence; like *Saul's* Armour-bearer, to deliver the Sword into the Judges hand for Execution. Because Judgement and Justice must be given *secundum allegata & probata*, according as things are well alledged, and fairly proved, they are as much to be reminded

Hebs.

Daniel 7.

1 Sam. 31.  
4.

reminded of their duty, as he that passeth the final Sentence. There is a numerous swarm of Officers in Courts of Justice, which like Caterpillars, Flyes and Gnats, and other insects, only buzz and sting, raise reports and vex Mens names and quiet; and like those of *Ægypt* strive to over-cloud and darken Judgement. The World hath commenc'd in so high a degree of Sin, that some of its Sons can out-swagger their own Conscience, *Hellor* Religion, swear and depose any thing; the old Greek Proverb fits their mouths, *Δίμωρον μὴς μαρτυρίαν*, *Lend me Sir an Oath to day in my action, I'll make restitution and swear for you to morrow.* Some that love to dress up a bad cause in the embroydery of Rhetorick, the Pictures and Shadows of Oratory to pass for truth and reality; Some delight to involve the truth with seeming difficulties, and artificial perplexities; Some strive by Demurrs and Procrastinations, like *Fabius Maximus*, Ennius not so much by truth and valour, as by delay, to win the Field; they seem to lay Siege to Equity, and would starve out and impoverish an innocent Cause, by having the fatter or deeper purse. By such occasions and pretensions they endeavour to put out the eye of Justice, making it as blind in Reason, as it ought to be in Affections; dint the Sword of Justice, cast a mist before the Judges eye, that he might mistake a right definitive Sentence. And thus success in Law shall not depend upon Right and Equity, but Chance and Fortune, Cross and Pile for a Victory. Nothing hath opened the jaws of the black-mouth'd World, to bespatter more the ingenuous study of the Law, than this, when the Candidates and Professors of it, wrestling and perverting the end of deciding Controversies,

D composing

composing differences, untying intricacies, and distributing Right to all, bestow its force to buoy up a party & faction; to befriend a relation, and oppose truth; to swell a Fee, and lessen Conscience, and by art and skill in subtleties and cobweb-Lawns; to cast a blind; to disguise an unjust Cause, to make it a prosperous and successful one; Who look at this as the grand design, the Cause was ingeniously and wittily pleaded, and as well rewarded; while Innocency and Right, that wanted a smooth Tongue, and an open Hand, shut up by poverty, lost the day. And thus fetch up Law, and seeming Reason, drest up with the advantages of Rhetorick, and a confident carriage, to destroy that Virtue whose Guardian and Patron it was first design'd. 'Tis sad, yet common, that he should be accounted a guilty person or criminal, because he is only stoutly accused, and Rhetorically charged with Vice; The World knows the Proverb too well, *fortiter accusa & aliquid adhaerebit*, strike home, and be sure a Scarr will remain, if the Wound be not Mortal. For 'tis one of the dismal ills, and largest piece of Injustice in this life, that if Innocencie, and an unspotted name be once called in question, and arraigned by passions and malice, though clearly quitted and well discharged, yet jealousies and surmizes still keep their lodgings in canker'd and ill-natur'd breasts, to which it holds up its hands, and is condemned to suffer the private punishment, of reproach and scandal. 'Tis sad, that when malice and jealousy, peevishness and faction shall commence a suit, that wise Laws should be prostituted by promoting and informing, bribery and a witty tongue, to carry on so inhumane and barbarous design. It was therefore well provided by the Ancients,

as the *Roman* and other Laws do witness, that the Accuser should first depose before the *Prætor* before he put in his Libel, that he was free from all malicious and calumnious intent. Hence the Magistrate had ever a Latitude indulg'd to him, and a Power left him to go beside the letter of the Law, prest by a cross-grain'd and litigious nature, and follow the equity and intention of it. They propounded therefore rewards for useful and necessary Informations, and set Fines and Mulcts upon trivial, froward, and superficial ones. Hence the *Plaintiff* and *Defendant* did mutually make a pledge or *depositum*, a certain sum, if the cause was not well prov'd, and as fairly defended, and the punishment designed for the accused party to return upon the Informer or Plaintiff, if once it did appear Malice or Envy had drawn up the Charge. These, and many more, with the Consent and Reason of all good Men, shew'd their just severity and indignation against Sycophants and bribed Orators, raising debates, *de Lævâ Caprina*, about Air and Moonshine out of passion and malice, catching at niceties and letters, to degrade the gravity of the Law, and cast contempt upon so well and designed functions. These, like other Malefactors and Criminals, deserve as just, if not a larger punishment; the one robbing but the Lives and Fortunes of single Men, but these commit a Rape, and murder the Law, the defence of all Societies, and Mankind too.

Secondly, To the Magistrate or Judge, from whom all Determinations and final Sentences, the result and conclusion of all former Oaths and Attestations must come. Whose Authority being signed with the broad Seal of Heaven, his Commission from the Throne of

God, and a Sword put into his Hands, he must not let it sleep in the Scabbard, or make false flourishes, or only be an ornament by his side; but must draw it with a resolute Hand, an impartial and unconcern'd Spirit, for execution upon Sin and Vice. We live in the latter

2 Tim. 3. 1 times, in a confident and presumptuous age, when Vice hath gotten a steeld brow, when Wickedness is become Gentile and Fashionable, Licentiousness counted Modish Education, the scurrilous and Blasphemous Droll cry'd up the ingenuous and witty Man, and well disguised Fraud and Faction esteemed the Politick head; and these must be dealt withal as *Cæsar* did with the *Roman Senate*, if his request with their free choice would not create him *Consul*, his Sword should give the casting voice for his Election. If Principles of Virtue, Reason and Religion, will not reclaim the debauch'd and sturdy World, Laws and Penalties from the Secular arm must drive and beat the World into Obedience. The Magistrate then acting like that God he represents, who first displays the lightening of his Love and Charity, to melt the soft and plyable Soul, and then dischargeth the Thunder of his Justice to rend and tear impenitent Sinners. And thus reforming the unregenerate World, and advancing Righteousness and Religion, your Secular

Florus. Sword turns into that of the Spirit, and like *Phinehas* you execute Judgement, or Pray at the same time. Your Commission being given and made your Duty, all sorts and Files of injured Men may not only petition and beg, but command your Justice and a free access for all. The poor that walks in rags, and dwells in smoking Cottages, may confidently come unconcern'd upon the Equity of his Cause. Greatness and Riches here are false

Isal. 10. 6.  
30.



false Topicks to prove the goodness of a Cause, Revenues and Possessions are too scant to measure the innocence of the Man, no more than by the shadow of the Body you can take the height of a Soul or Mind. The Souls of rich and poor are Jewels of an equal lustre, the one is only better set, and enamel'd in a more flourishing estate, the other rough and unpolish'd; yet they must be valued not so much for their accidental glosses, as their natural beauty. Noble and *Plebeian* Souls have the Divine Image equally enstamp'd upon them; the one only is set in a more gilded frame, a more splendid condition: yet we respect the Picture for its strokes and proper features common to both from God the Carver of Souls; and *Cesar's* Image commands regard, whether in Gold or Brass, or courser mettle. The helpless Widdow and destitute Orphan may smile at such a Tribunal, where their potent adversary, with his swelling pride, and large retinue, must be look'd upon with a disinterested and impartial eye; the Judge is deputed the Orphan's Father, and the Widdow's Husband to redress their wrongs. The ignorant and home-spun Man that dreads the Sophisms of Law and great appearances, may call for the Magistrate to be Spectacles for his blear'd eye, Crutches for his decrepit & dejected faculties, who must be knowing to make him just. *Oculus in Sceptro*, the *Egyptian* Hieroglyphick, bespoke the duty of a Ruler, the eye of knowledge upon his Scepter, least the brightness of the Crown upbraided and insulted over the dulness of the head that wore it. An ignorant Magistrate represent the blind Man steering at the Helm by the Polar Star he yet ne'er saw; the Pilot then must needs turn Pirate, and sink the Ship of Government. The Magistrate would  
do

do well like the Philosopher, to put out the eye of Sense and Affection, to see the clearer by the light of Reason. The stranger or alien *Turk* or *Tagan* need not be jealous of Friends and Favourites, and different persuasions; at Altars and Tribunals relations cease, Religion and Conscience must know no Father or Mother. If once Tribunals were so adorned, We should recover the times that are past, and restore the Judges as of old, when Reason and Religion, Justice and Equity, Conscience, and an eye to God kept the Chair, and Virtues were the only steps by which they did ascend, and sat in the Gates, and gave free invitation for all; and all good Men, and just Societies might triumph in the same strain with old *Rome* at the choice of *Numa*, ὅστις ἡ βασιλεία.

Plutarch. τὸ πάλαι αἰὶν βασιλείαν διχομήνης. When Kings and Judges are virtuous and knowing too, their People receive a King and a Kingdom both. What then remains, but to draw and use this Sword with a steady and impartial hand, regardless of others frowns or smiles, or any small events that may attend your Charge, unbiassed to Sects and Parties, Qualities and Conditions, fight against none but Sin and Wickedness, Lewdness and confident Vice; this will call you truly Man, and God's Deputy; This will style you Saint, and advance your Temporal Chair into a Spiritual one, to Judge in the other World at the period of this; This will make you Heir apparent to the Character of a Faithful Steward, and the Rewards of Immortality with the Blessed Jesus, to whom be Honour and Glory, both now and for ever, Amen.

Deut. 22.  
15.

Plutarch.

1 Kings 22.  
31.

1 Cor. 6.7.



